

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket Nos. 7678 and 7679

Petition of Beaver Wood Energy Pownal, LLC, for a)
Certificate of Public Service, pursuant to 30 V.S.A.)
§ 248, to install and operate a Biomass Energy Facility)
and an integrated wood pellet manufacturing facility)
located north of the old Green Mountain Racetrack in)
Pownal, Vermont, to be known as the "Pownal Biomass)
Project")

and

Petition of Beaver Wood Energy Fair Haven, LLC, for a)
Certificate of Public Service, pursuant to 30 V.S.A.)
§ 248, to install and operate a Biomass Energy Facility)
and an integrated wood pellet manufacturing facility)
located north of Route 4 in Fair Haven, Vermont, to be)
known as the "Fair Haven Biomass Project")

Order entered: 11/23/2010

JOINT PREHEARING CONFERENCE MEMORANDUM

On October 27, 2010, Beaver Wood Energy Pownal, LLC ("BWE-Pownal") filed a petition, pursuant to 30 V.S.A. § 248, to construct and operate a biomass energy facility and wood pellet manufacturing facility to be located in Pownal, Vermont. On the same date, BWE-Pownal filed a Motion for Preliminary Approval, which requests that the Public Service Board ("Board") authorize BWE - Pownal to begin some construction activities in December of 2010.

On November 3, 2010, Beaver Wood Energy Fair Haven, LLC ("BWE-Fair Haven") filed a petition to construct a similar facility to be located in Fair Haven, Vermont. The November 3 petition also included a Motion for Preliminary Approval requesting that the Board allow BWE - Haven to begin some construction activities in December of 2010.

On November 5, 2010, the Clerk of the Board issued a memorandum in these dockets stating that the Hearing Officers would hold a joint prehearing conference to discuss Petitioners'

motion for preliminary approval of construction, the Board's jurisdiction over the wood pellet manufacturing facilities proposed by the Petitioners, and the schedule for determining these issues.

On November 19, 2010, the Hearing Officers in these Dockets held a joint prehearing conference. Appearances were entered by Hans Huessy, Esq., Kenlan Schwiebert Facey & Goss, PC, on behalf of BWE-Pownal and BWE-Fair Haven; Jeanne Elias, Esq., on behalf of the Vermont Department of Public Service; and Donald Einhorn, Esq., on behalf of the Agency of Natural Resources. In addition to these statutory parties, several interested persons were present at the prehearing conference and actively participated in the discussions.

Participants at the prehearing conference discussed the schedule for addressing Petitioners' motions for preliminary construction and the jurisdictional issues raised by the Petitioners' request for Board approval of the wood pellet manufacturing plant.

At the prehearing conference, the following schedule was established:

November 24, 2010*	Petitioners to file additional information regarding the proposed preliminary construction and supplemental legal argument addressing the Board's October 22, 2010, decision in the Monument Farms case, Docket 7592
November 30, 2010	Deadline for Rutland Regional Planning Commission to file an explanation as to why the 45-day advance notice submitted by BWE-Fair Haven was inadequate
December 3, 2010	Responses due to Petitioners' November 24 filing, including any requests for a hearing
December 14, 2010	Hearing on the proposed preliminary construction, if needed. (The hearing will be canceled if the Board determines that it lacks the legal authority to allow preliminary construction, or if no party requests a hearing and the Hearing Officers determine that one is not required.)

* Petitioners will file this information with parties, and any participant that provided Petitioners' counsel with an e-mail address, on November 24, 2010, with hard copies to be filed with the Board by November 29, 2010.

In addition, while a deadline for filing motions to intervene has not been established, the Hearing Officers are establishing a seven-calendar-day response time for responding to any such motions.

Petitioners requested that they be allowed to propose a schedule for determining the jurisdictional issue. No participant at the prehearing conference objected to the request. Accordingly, Petitioners shall provide a proposed schedule for addressing Board jurisdiction over the wood pellet manufacturing facilities, with any responses to Petitioners' proposed schedule due one week later.

In addition, it was determined at the prehearing conference that the schedule for reviewing the proposed projects would not be established until the motions for preliminary construction and the jurisdictional issue regarding the proposed wood pellet manufacturing facilities were resolved.

SO ORDERED.

Dated at Montpelier, Vermont, this 23rd day of November, 2010.

s/ Edward McNamara
Edward McNamara, Esq.
Hearing Officer (Docket 7678)

s/ Kurt Janson
Kurt Janson, Esq.
Hearing Officer (Docket 7679)

OFFICE OF THE CLERK

FILED: November 23, 2010

ATTEST: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)